

July 14, 1997

VIA FACSIMILE AND FIRST-CLASS MAIL

Darrell Blevins
Freedom of Information Officer
Office of Disclosure Policy
Social Security Administration
Operations Building
Room 3-B-6
6401 Security Boulevard
Baltimore, MD 21235

Re: Social Security Administration's Compliance with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear Mr. Blevins:

I would like to thank you and your staff, Ethel Burrows and Priscilla Rieger, for meeting with me on June 18 to review the initial Statement of Compliance of the Social Security Administration ("SSA") under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). This review included a helpful discussion of SSA's work in responding to specific requests of the Assassination Records Review Board ("Review Board").¹ Set forth is our understanding as to the status of SSA's work under the JFK Act with respect to the SSA record groups implicated under the JFK Act.

¹ The Review Board's requests to SSA were set forth in the January 22, 1997 letter from David G. Marwell to David Blevins.

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1. Original File Containing Marina Oswald's Claim for Survivor's Benefits. A copy of this file, as of 1978, was provided to the House Select Committee on Assassinations ("HSCA") and has been included in the JFK Assassination Records Collection ("JFK Collection") as part of the HSCA materials released under the JFK Act. See HSCA Document No. 10313 (JFK Act Record Identification No. 180-10072-10186). SSA still retains the original file. The Review Board requests that the original file, to the extent provided to the HSCA,² be transmitted to the JFK Collection at the National Archives and Records Administration ("NARA"). These records include, most importantly, the original of Lee Harvey Oswald's application for a social security number, Marina Oswald's claim for survivor's benefits following the death of Oswald, and various contact reports with Lee Harvey Oswald's employers. Our review established that part of the file relates to student benefits under SSA and shall not be considered an assassination record. We understand, also, that SSA will not forward to NARA any records that SSA considers may be exempt from disclosure under Section 6103 of the IRS Code.

2. Earnings Records for Lee Harvey Oswald. SSA has taken the position that earnings information is protected under Section 6103 of the IRS Code. Pending any further determinations regarding the releasability of this information, the Review Board requests that SSA collect and preserve all earnings records that it may have relating to Lee Harvey Oswald. In the Final Declaration of Compliance, please confirm that this has been done and identify the office and person who will retain custody of any such records.

It is our understanding that SSA maintains the following categories of tax return records that may contain earnings information for Lee Harvey Oswald: (a) a computerized statement of earnings that would show the name of an employee, the employer and its employer identification number, the social security number of the employee, the years of employment, and the amount of earnings; (b) quarterly statements filed by employers (941-C forms) showing the company, the employer's identification number, the employees paid in that quarter and their earnings; and (c) miscellaneous tax return information that may be within the original file containing Marina's claim for survivor's benefits.

3. Earnings Records for Jack Ruby. The Review Board hereby requests that SSA undertake the same procedures with respect to any tax return records of Jack Ruby, namely that SSA collect and preserve any such records pending any later determination as to their

² Your staff indicated that certain tax return records under Section 6103 of the IRS Code were not provided to the HSCA.

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releasability. (You should note that the tax return information of Jack Ruby was disclosed publicly by Earl Ruby, Jack's brother.)

4. Records Verifying Lee Harvey Oswald's Employment. We had asked that you make available for inspection by the Review Board certain employer records, namely 941-C forms, through which we could verify Oswald's employment history during the 1950's. We had also asked for any records verifying the employer identification numbers ("EINs") for certain Oswald employers during the 1950's. See Jan. 22, 1997 Letter from David G. Marwell to Darrell Blevins. You have confirmed that such records, namely 941-C forms as well as employer applications for EINs (SS-4 forms), exist but that they are covered under Section 6103 of the IRS Code. Please collect and preserve any such records that you may have with respect to Lee Harvey Oswald's employment history.³

5. FOIA Files. SSA has a small amount of FOIA files regarding Oswald related records. Please forward these to the JFK Collection.⁴ Again, please collect and preserve any records among the FOIA files that you consider covered under section 6103.

6. Congressional Liaison Files. We had requested that you locate any so-called "liaison" files relating to SSA communications with either the Warren Commission, the House Select Committee on Assassinations, or other relevant Congressional committees. You stated that no such documents had been located except a collection of published Warren Commission documents; these previously published documents need not be forwarded to

³ In February 1964, the Social Security Administration submitted to the Warren Commission a summary of Oswald's employment history based on "the earnings record" in its custody. See February 3, 1964 Letter from the Department of Health, Education & Welfare to the Warren Commission (Commission No. 353) (Attachment A hereto). Although confidential, this information was released to the Warren Commission pursuant to a specific regulation of the Social Security Administration. In 1965, the confidentiality classification for this information was removed. Please collect and preserve all underlying employment and earnings information, including any 941-C forms, that SSA has for Lee Harvey Oswald's *entire employment history*, as set forth in Commission Document 353 (Attachment A hereto), pending a determination as to the releasability of this information.

⁴ Among the FOIA files is an October 10, 1980 opinion of SSA's legal counsel with regard to a FOIA disclosure issue. You indicated this document may be covered under an attorney-client privilege, but this is not a recognized exemption from disclosure under the JFK Act.

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NARA.⁵

7. Final Declaration of Compliance. Please submit your Final Declaration of Compliance to reflect these matters. Please note that the Final Declaration of Compliance will need to be executed under oath in the form prescribed by 28 U.S.C. §1746. We propose that the Final Declaration be submitted by August 25, but please feel free to contact us in the event you need additional time.

Thank you for your cooperation in this process.

Sincerely,

Ronald G. Haron
Senior Attorney

⁵ There were, however, some miscellaneous letters that should be forwarded to the JFK Collection -- an August 17, 1965 letter from HEW to the National Archives regarding the release of SSA/HEW documents and an August 7, 1978 letter from SSA to the HSCA.